

**From:** Hurl, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]  
**Sent:** 3/19/2018 9:04:16 PM  
**To:** Weiler, Katherine [Weiler.Katherine@epa.gov]  
**CC:** Frazer, Brian [Frazer.Brian@epa.gov]  
**Subject:** Re: 404 Talking Points Update

Updated talking points below

o Michigan:

1. EPA R5 objected to the Aquilla Back 40 permit. RA is aware and onboard with the objection letter sent to the state on March 8th. The state has 90 day in which to address EPA concerns and either issue the permit, deny the permit or have the permit transfer to the USACE. Ex. 5 Deliberative Process (DP)

### Ex. 5 Deliberative Process (DP)

impacts . The State will work with permittee to address concerns. This is the mining permit along the Menominee River the Menominee tribe of WI is suing to have transferred to the USACE.

2. Ex. 5 Deliberative Process (DP)

3. MDEQ has requested EPA's opinion regarding legislation making its way through the MI legislature. These are bills we have been aware of and have fielded some general inquiries from MDEQ without providing our opinion. Ex. 5 Deliberative Process (DP)

### Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The air office in R5 also has concerns. I will continue to work with the Region on this. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

o Florida: FL passed authorizing legislation last week to assume the program and modify statutes for consistency with CWA. Outstanding issues: Retained waters not identified by USACE yet; Section 7 consultation on state issued permits; simple negligence standard on criminal enforcement. Heard from USACE that they are awaiting response from the state regarding signing an IPA to have 30+ FDEP staff work for the USACE to conduct navigability studies so the USACE can identify retained waters. Next face to face meeting is April 24-26 in Tallahassee.

o Arizona: Senate passed authorizing legislation - expected to pass in the House. EPA staff has been fielding questions from AZDEQ staff on language and suggesting edits that ensure broad authority to implement the program.

o Vermont: R1 is headed to VT next week to discuss assumption at with the state among other issues.

Thanks!

Katherine

Katherine Weiler | U.S. Environmental Protection Agency | Office of Wetlands, Oceans, and Watersheds  
Special Assistant (Detail) | (202) 566-1280 | weiler.katherine@epa.gov